

AMENDED IN ASSEMBLY AUGUST 10, 2004

AMENDED IN ASSEMBLY JULY 15, 2004

AMENDED IN SENATE APRIL 28, 2004

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL

No. 1865

Introduced by Senator Aanestad

February 20, 2004

An act to amend Sections ~~1631~~ 1628, 1628.2, 1631, and 1632 of, to amend, renumber, and add Section 1632.5 of, and to repeal Sections 1633 and 1633.5 of, the Business and Professions Code, relating to dentistry, ~~and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1865, as amended, Aanestad. Dentists: licensing examinations.

The Dental Practice Act provides for the licensing and regulation of dentists and associated professions by the Dental Board of California. Existing law requires an applicant for a license to practice dentistry to pass a written examination on subjects prescribed by the board, and to also pass a clinical examination.

This bill would require an applicant for a license to practice dentistry to complete various examinations, including ~~a nationally administered written examination~~ *the National Board Dental Examination*, an examination in California law and ethics developed by the board, and a clinical and written examination administered either by the board or the Western Regional Examining Board. The bill would require the Department of Consumer Affairs to review the examination offered by

the Western Regional Examining Board, and would appropriate \$150,000 from the State Dentistry Fund to the department for this purpose pursuant to a specified schedule. The bill would require a report by the Dental Board of California on examination passage rates.

Existing law requires an applicant for an examination to furnish documentary evidence to the board that he or she has graduated from a reputable dental college.

This bill would authorize the board to approve an application for examination or accept the results of an examination from an applicant who has not yet graduated from a reputable dental college, if certain conditions are met.

The bill would make other related changes.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 1628 of the Business and Professions*
2 *Code is amended to read:*

3 1628. Any person over 18 years of age is eligible to take an
4 examination before the board upon making application therefor
5 and meeting all of the following requirements:

6 (a) Paying the fee for applicants for examination provided by
7 this chapter.

8 (b) Furnishing satisfactory evidence of having graduated from
9 a reputable dental college approved by the board; provided, also,
10 that applicants furnishing evidence of having graduated after 1921
11 shall also present satisfactory evidence of having completed at
12 dental school or schools the full number of academic years of
13 undergraduate courses required for graduation. For purposes of
14 this article, “reputable dental college approved by the board” or
15 “approved dental school” include a foreign dental school
16 accredited by a body that has a reciprocal accreditation agreement
17 with any commission or accreditation organization whose findings
18 are accepted by the board.

19 (c) Furnishing the satisfactory evidence of financial
20 responsibility or liability insurance for injuries sustained or



1 claimed to be sustained by a dental patient in the course of the
2 examination as a result of the applicant's actions.

3 (d) If the applicant has been issued a degree of doctor of dental
4 medicine or doctor of dental surgery by a foreign dental school, he
5 or she shall furnish all of the following documentary evidence to
6 the board:

7 (1) That he or she has completed, in a dental school or schools
8 approved by the board pursuant to Section 1636.4, a resident
9 course of professional instruction in dentistry for the full number
10 of academic years of undergraduate courses required for
11 graduation.

12 (2) Subsequent thereto, he or she has been issued by the dental
13 school a dental diploma or a dental degree, as evidence of the
14 successful completion of the course of dental instruction required
15 for graduation.

16 (e) Any applicant who has been issued a dental diploma from
17 a foreign dental school that has not, at the time of his or her
18 graduation from the school, been approved by the board pursuant
19 to Section 1636.4 shall not be eligible for examination until the
20 applicant has successfully completed a minimum of two academic
21 years of education at a dental college approved by the board
22 pursuant to Article 1 (commencing with Section 1024) of Chapter
23 2 of Division 10 of Title 16 of the California Code of Regulations
24 and has been issued a degree of doctor of dental medicine or doctor
25 of dental surgery or its equivalent. This subdivision shall not apply
26 to applicants who have successfully completed the requirements
27 of Section 1636 as it read before it was repealed on January 1,
28 2004, on or before December 31, 2003, or who have successfully
29 completed the requirements of Section 1628.2 on or before
30 December 31, 2008. An applicant who has successfully completed
31 the requirements of Section 1636 as it read before it was repealed
32 on January 1, 2004, on or before December 31, 2003, or who has
33 successfully completed the requirements of Section 1628.2 on or
34 before December 31, 2008, shall be eligible to take the
35 examination required by Section 1632, subject to the limitations
36 set forth in ~~Section 1632.5 subdivisions (b) and (c) of Section~~
37 ~~1633.~~

38 (f) Subdivisions (d) and (e) do not apply to a person who has
39 been issued a degree of doctor of dental medicine or doctor of
40 dental surgery by a foreign dental school accredited by a body that

1 has a reciprocal accreditation agreement with any commission or
2 accreditation organization whose findings are accepted by the
3 board.

4 *SEC. 2. Section 1628.2 of the Business and Professions Code*
5 *is amended to read:*

6 1628.2. (a) A person who has been issued a degree of doctor
7 of dental medicine or doctor of dental surgery by a foreign dental
8 school that is not approved by the board pursuant to Section 1636.4
9 shall be exempt from the requirements of subdivision (e) of
10 Section 1628 if he or she meets all of the following requirements:

11 (1) He or she furnishes documentary evidence satisfactory to
12 the board of both of the following:

13 (A) That he or she has completed in a dental school or schools
14 a resident course of professional instruction in dentistry for the full
15 number of academic years of undergraduate courses required for
16 graduation.

17 (B) That subsequent thereto, he or she has been issued by the
18 dental school a dental diploma or a dental degree, as evidence of
19 successful completion of the course of dental instruction required
20 for graduation.

21 (2) He or she passed Parts I and II of the ~~National Board of~~
22 ~~Dental Examiners' examination~~ *written examination of the*
23 *National Board Dental Examination of the Joint Commission on*
24 *National Dental Examinations or its predecessor* on or before
25 December 31, 2003.

26 (3) He or she has passed an examination, on or before
27 December 31, 2008, in which the applicant is required to
28 demonstrate his or her skill in restorative technique, subject to the
29 following:

30 (A) An applicant who obtains an overall average grade of 75
31 percent in the restorative technique examination and a grade of 75
32 percent or more in two of the three subsections shall be deemed to
33 have passed the examination. An applicant who obtains a grade of
34 85 percent in any subsection of the examination but does not pass
35 the examination is exempt from retaking that subsection for two
36 years following the date of the examination in which the grade of
37 85 percent was obtained.

38 (B) Applications for this examination shall be submitted by
39 mail only. An applicant for the examination shall submit to the
40 board a mailing address for the applicant that is located within the

United States. That mailing address shall be the sole address that the board is required to use to communicate with the applicant.

(C) An applicant shall provide to the board copies of their passing scores on Parts I and II of the ~~National Board of Dental Examiners examination~~ *written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations or its predecessor* within 90 days ~~of after~~ April 13, 2004, which is the date of the enactment of ~~Assembly Bill No. 1467 of the 2003-04 Regular Legislative Session Chapter 33 of the Statutes of 2004~~. An applicant who has previously taken the restorative technique examination or who has previously provided his or her passing scores on Parts I and II of the ~~National Board of Dental Examiners~~ *written examination of the National Board Dental Examination of the Joint Commission on National Dental Examinations or its predecessor* shall not be subject to the requirement of this subparagraph.

(D) (i) Notwithstanding Section 135, an applicant who fails to pass the examination under this section or Section 1636, as repealed on January 1, 2004, after four attempts or who fails to pass the examination on or before December 31, 2008, shall not be eligible for further reexamination under this paragraph, and shall not be eligible for the exemption from the requirements of subdivision (e) of Section 1628. Failure by an applicant to appear for the examination without good cause, as determined by the board, constitutes a failure to pass the examination for purposes of this paragraph.

(ii) In order to be eligible to reapply to take the examination, an applicant who fails to pass the examination or fails to appear for the examination, and who has not used all four examination attempts, shall submit to the board a letter of intent stating his or her intent to reapply to take the examination. The applicant shall submit this letter to the board within 45 days of the board mailing notification to him or her of failure to pass the examination, or, if the applicant failed to appear for the examination, within 45 days of the examination date for which he or she failed to appear.

The requirements of this clause shall not be construed to require the applicant to take the next examination offered by the board, however, it is the intent of the Legislature that applicants apply for reexaminations in a timely manner.

1 (iii) An applicant who believes he or she has good cause for
2 failing to appear at a scheduled examination shall state the grounds
3 supporting the good cause in a letter to the board. If the board
4 accepts those grounds as good cause, the applicant may reapply for
5 a future examination in the usual manner used by the board for
6 scheduling applicants for an examination, and the examination for
7 which the applicant failed to appear shall not count against the
8 maximum four attempts permitted by clause (i). If the board does
9 not accept those grounds as good cause, the examination for which
10 the applicant failed to appear shall be counted as one of those four
11 attempts.

12 (iv) If the applicant fails to comply with the requirements of
13 clause (ii), he or she shall no longer qualify to take any future
14 examination required by this paragraph, and shall be subject to the
15 requirements of subdivision (e) of Section 1628.

16 (E) If all qualified applicants have exhausted the four
17 examination attempts permitted by subparagraph (D), or become
18 ineligible to take the examination, the board may, prior to January
19 1, 2009, cease to offer administration of that examination at any
20 time thereafter.

21 (4) Failure to meet any of the requirements of paragraphs (1)
22 to (3), inclusive, including, but not limited to, the requirement of
23 subparagraph (C) of paragraph (3) that an applicant provide to the
24 board copies of his or her passing scores on Parts I and II of the
25 ~~National Board of Dental Examiners~~ *written* examination within
26 ~~90 days of the operative date of Assembly Bill No. 1467 of the~~
27 ~~2003-04 Regular Legislative Session~~ *the specified time period*,
28 shall make an applicant ineligible for the exemption from the
29 requirements of subdivision (e) of Section 1628 provided by this
30 section.

31 (b) It is the intent of the Legislature that the restorative
32 technique examination provided for by this section, including the
33 eligibility provisions, be a continuation of the restorative
34 technique examination provided for in Section 1636, as repealed
35 on January 1, 2004, and that an applicant for the examination have
36 no more than a total of four attempts to take the restorative
37 technique examination.

38 (c) This section shall remain in effect only until January 1,
39 2009, and as of that date is repealed, unless a later enacted statute,



which is enacted before January 1, 2009, deletes or extends that date.

SEC. 3. Section 1631 of the Business and Professions Code is amended to read:

1631. The subjects in which the applicant shall be examined shall be those subjects as the board may from time to time prescribe. However, the subjects of examination shall be selected in accordance with the trend of dental education in California as that trend is determined, from time to time by the curricula of the dental colleges in California approved by the Dental Board of California, and no examination shall be given on any subject which is not then, at the time of the determination, being currently taught in those approved dental colleges. In the event of any changes in the list of examination subjects, all approved dental schools in the United States shall be notified, by the executive officer of the board, at least two years in advance of the effective date of any change or changes in subjects. Each applicant, at the time of filing ~~of an~~ application to take any examination hereunder, shall be given a list of the subjects of the examination for which he or she is making application.

~~SEC. 2.—~~

SEC. 4. Section 1632 of the Business and Professions Code is amended to read:

1632. (a) The board shall require each applicant to successfully complete the written examinations of the National Board of Dental Examinations *Dental Examination* of the Joint Commission on National Dental Examinations.

(b) The board shall require each applicant to successfully complete an examination in California law and ethics developed and administered by the board.

(c) Except as otherwise provided in Section 1632.5, the board shall require each applicant to have taken and received a passing score on one of the following:

(1) A clinical and written examination developed and administered by the board.

(2) A clinical and written examination administered by the Western Regional Examining Board, which board shall determine the passing score for that examination.

~~SEC. 3.—~~

1 (d) Notwithstanding subdivision (b) of Section 1628, the board
2 is authorized to do either of the following:

3 (1) Approve an application for examination from and to
4 examine an applicant who is enrolled in but has not yet graduated
5 from a reputable dental school approved by the board.

6 (2) Accept the results of an examination described in
7 paragraph (2) of subdivision (c) submitted by an applicant who
8 was enrolled in but had not graduated from a reputable dental
9 school approved by the board at the time the examination was
10 administered.

11 In either case, the board shall require the dean of that school or
12 his or her delegate to furnish satisfactory proof that the applicant
13 will graduate within one year of the date the examination was
14 administered.

15 SEC. 5. Section 1632.5 of the Business and Professions Code
16 is amended and renumbered to read:

17 1633. (a) When an applicant for a license has received a
18 grading of 85 percent or above in any given subject, he or she shall
19 be exempt from reexamination on that subject in subsequent
20 examinations before the board within two years after the
21 examination on which the applicant received the exemption.

22 (b) Notwithstanding Section 135, an applicant who fails to pass
23 the examination required by Section 1632 after three attempts
24 shall not be eligible for further reexamination until the applicant
25 has successfully completed a minimum of 50 hours of education
26 for each subject which the applicant failed in the applicant's last
27 unsuccessful examination. The coursework shall be taken at a
28 dental school approved by either the Commission on Dental
29 Accreditation or a comparable organization approved by the
30 board, and shall be completed within a period of one year from the
31 date of notification of the applicant's third failure.

32 (c) The coursework described in subdivision (b) shall be
33 required once for every three unsuccessful examination attempts.
34 When the applicant applies for reexamination, he or she shall
35 furnish proof satisfactory to the board that he or she has
36 successfully completed the requirements of this section.

37 ~~SEC. 4.—~~

38 SEC. 6. Section 1632.5 is added to the Business and
39 Professions Code, to read:

1632.5. (a) Prior to implementation of paragraph (2) of subdivision (c) of Section 1632, the department's Office of Examination Resources shall review the Western Regional Examining Board examination to assure compliance with the requirements of Section 139 and to certify that the examination process meets those standards. If the department determines that the examination process fails to meet those standards, paragraph (2) of subdivision (c) of Section 1632 shall not be implemented. The review of the Western Regional Examining Board examination shall be conducted during or after the Dental Board of California's occupational analysis scheduled for the 2004–05 fiscal year, but not later than September 30, 2005. However, an applicant who successfully completes the Western Regional Examining Board examination on or after January 1, 2005, shall be deemed to have met the requirements of subdivision (c) of Section 1632 if the department certifies that the Western Regional Examining Board examination meets the standards set forth in this subdivision.

(b) The Western Regional Examining Board examination process shall be regularly reviewed by the department pursuant to Section 139.

(c) The Western Regional Examining Board examination shall meet the mandates of subdivision (a) of Section 12944 of the Government Code.

(d) As part of its next scheduled review by the Joint Committee on Boards, Commissions, and Consumer Protection, the Dental Board of California shall report to that committee and the department on the pass rates of applicants who sat for the Western Regional Examining Board examination, compared with the pass rates of applicants who sat for the state clinical and written examination administered by the Dental Board of California. This report shall be a component of the evaluation of the examination process that is based on psychometrically sound principles for establishing minimum qualifications and levels of competency.

~~SEC. 5.—~~

~~SEC. 7.~~ Section 1633 of the Business and Professions Code is repealed.

~~SEC. 6.—~~

~~SEC. 8.~~ Section 1633.5 of the Business and Professions Code is repealed.

1 ~~SEC. 7.—~~

2 SEC. 9. The sum of one hundred fifty thousand dollars
3 (\$150,000) is hereby appropriated from the State Dentistry Fund
4 to the Department of Consumer Affairs for the purpose of Section
5 1632.5 of the Business and Professions Code, in accordance with
6 the following schedule:

7 (a) For the 2004–05 fiscal year, the sum of one hundred
8 thousand dollars (\$100,000).

9 (b) For the 2005–06 fiscal year, the sum of fifty thousand
10 dollars (\$50,000).

11 SEC. 10. *This act is an urgency statute necessary for the*
12 *immediate preservation of the public peace, health, or safety*
13 *within the meaning of Article IV of the Constitution and shall go*
14 *into immediate effect. The facts constituting the necessity are:*

15 *In order to make necessary changes to the examination*
16 *requirements for an applicant for licensure as a dentist and to make*
17 *funding available for that purpose at the earliest possible*
18 *opportunity, it is necessary that this act take effect immediately.*

